(3)

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

W.P. NO. 1546 /2004

PETITIONER : Lekhani Bai, W/o.Mahettar
Aged about 35 years, Caste Gond
R/o. Village Khondhar, Tahsil
Dabhara, District Janjgir-Champa
(C.G.)

P. R. No. 1493/04
Presented by Shri Rakesh Sahu
Dated 31.8.04

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through Director Panchayat
D.K.S. Bhawan,
Raipur, Distt. Raipur (C.G.)

2. The Collector
District Janjgir-Champa (C.G.)

3. Sub Divisional Officer
Dabhara, District Janjgir-Champa

4. The Secretary
Gram Panchayat Khondhar
Tahsil Dabhara, District Janjgir
Champa (C.G.)

31/5/04

WRIT PETITION UNDER ARTICLE 226/227 OF

CONSTITUTION OF INDIA

XI-HC-22

(38)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 1546/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.08.2004

Shri Rakesh Sahu, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Govt. Adv. for the State.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the order-dated 11.5.2004 (Annexure P-1) passed by the Director, Panchayat (respondent No.1) by which the revision of the petitioner was dismissed, which was filed against the order of the Collector, Janjgir-Champa (respondent No.2) whereby the Collector dismissed the appeal of the petitioner filed against the order of the prescribed authority dated 02.01.2004 whereby the 'no confidence motion' was held to be carried out against the petitioner.

The main grievance raised by the petitioner in this writ petition is that at the time of meeting the Presiding Officer should have given her an opportunity to explain the charges levelled against her. The noting in the minute book that the petitioner has not said anything which is totally incorrect and against the law of equity. Counsel for the petitioner further submits that the petitioner was not allowed to speak at the meeting and, therefore, no opportunity was given to her.

I have perused the proceeding of the no confidence motion which is at Page No.15 of the petition, in which it has been mentioned that the meeting of the Panchayat started at 12 noon, in the beginning Sant Ram Panch moved no confidence motion and leveled the charges against the petitioner that she had not deposited the amount of Tendu & cattle market fee and no information was given by the petitioner regarding the construction of school building. It is further mentioned

5 RS COURT FEE

XI-HC-22

(34)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

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in the proceeding that the petitioner herein had not said anything against the resolution or charges levelled against her and therefore, the Panchas present at the meeting were asked to exercise their franchise. Accordingly, out of 14 Panchas present in the meeting, 11 Panchas voted in favour of the motion and ultimately, it was declared that the motion was carried out. Therefore, it cannot be said that the petitioner was not given opportunity to explain her stand at the meeting. It has not been mentioned in the petition or raised before the appellate authority i.e. the Collector and revisional authority i.e. the Director Panchayat, in any manner, that the prescribed authority was biased with the petitioner that is why proceedings were recorded incorrectly. The appellate authority as well as revisional authority both have considered the point raised by the counsel for the petitioner. They reached to the conclusion that the ground raised is baseless. The learned counsel for the petitioner during the course of argument could not point out illegality or incorrectness in the impugned order.

In view of the above, I do not find any reason to interfere with the findings of the prescribed authority and the orders of the Collector & Director, Panchayat. The petition has no substance and same is dismissed.

Sd/-
L.C. Bhadoo
Judge

Roshan/-

[पीछे देखिये